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### **REMARKS**

The present Response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Applicant asserts that the present invention is new, non-obvious and useful. Prompt and favorable reconsideration of the Remarks and allowance of the pending claims are respectfully requested.

### **Status of Claims**

Claims 1-20 are pending in the application. Claims 1-20 have been rejected.

### **CLAIM REJECTIONS**

#### **35 U.S.C. § 103 Rejections**

The Examiner rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Fortenberry et al. (U.S. Patent No. 6,005,939) in view of Dowling et al. (U.S. Patent No. 6,574,239).

With regard to method claims 1-5, the Examiner repeats his contention from the previous Office Action that Fortenberry substantially discloses all the elements recited in these claims, except that Fortenberry fails to disclose a second database that is not linked to the first database.

To cure this deficiency in Fortenberry, the Examiner contends that it would have been obvious to a person skilled in the art to modify the teaching of Fortenberry by including a second data base, as allegedly disclosed in Dowling, and that such modification would allow the system databases not to be interconnected. Specifically, the Examiner relies on the language of Dowling at Co. 6, lines 36-53, Col. 14, lines 63-67, and Col. 15, lines 1-30.

The Examiner applies a similar rejection to claims 6-20. In this group, claims 12-20 are drawn to a system including the contended first and second database and, therefore, Applicant's arguments below relate to the rejections of both method claims 1-5 and system claims 12-20. However, the rejection based on the alleged teaching of the first and second

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databases, as outlined above and detailed below, does not appear to be applicable to claims 6-11, which are drawn to a virtual entity, inter alia, because claims 6-11 do not rely on the contested first and second databases as a distinguishing feature. In fact, the virtual entities of claims 6-11 may reside on a single database, as long as the content of the virtual entities is not linkable to the identity of the real users, as further discussed below.

As to claims 6-11, Applicants would like to point out that the Examiner fails to indicate how either Fortenberry or Dowling teach "one or more physical attributes" of the virtual entity, as specifically recited in claim 6. Furthermore, the Examiner does not indicate if and how this lack of teaching in Fortenberry or Dowling can be otherwise overcome by the prior art. In fact, the Examiner does not even contend that this feature of claims 6-11 is known in the art or would have been obvious to a person skilled in the art. Moreover, the Examiner acknowledges in his statements that "Fortenberry fails to explicitly disclose one or more physical attributes..."; without offering any other teaching from the prior art to cure this deficiency of Fortenberry. Dowling certainly does not teach (and the Examiner does not contend that it teaches) this feature of claim 6-11. Therefore, it is respectfully submitted that a prima facie case of obviousness has not been established with regard to claims 6-11 and, thus, the rejection of these claims should be withdrawn at least for this reason. Furthermore, although there are no specific arguments to which Applicant can reasonably respond, it is respectfully submitted that claims 6-11 are patentable over the cited prior art, inter alia, in light of the additional arguments provided below following the discussion of claim 1-5 and 12-20.

In the event that the Examiner believes the rejection of claims 6-11 should be maintained, the Examiner is requested to issue a non-final Office Action, setting forth the specific grounds for such rejection.

As to the rejection of claims 1-5 and 12-20, Applicant respectfully traverses this rejection at least for the reasons discussed below. First, as discussed below, Applicant disagrees with the Examiner's reading of Fortenberry and/or Dowling as disclosing two databases. Second, to the extent that two database may somehow be inferred by either or both the Fortenberry and Dowling references, Applicant disagrees with the Examiner's assertion that the teachings of those two references would make it obvious for a person skilled in the

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art to envisage two databases that are not linked, as suggested by claims 1-5 and 12-20 of the present application. Additionally, as argued in the Response to the previous Office Action, Applicant respectfully asserts that the motivation for providing two unlinked databases is not obvious, is not taught or implied by Fortenberry or Dowling, and cannot be construed based on the teachings of Fortenberry and/or Dowling, as discussed in more detail below. Applicant would also like to point that the Examiner has not properly addressed, and therefore has not contradicted, Applicant's strong argument in response to the previous Office Action that there is no motivation in the prior art to use two, unlinked, databases for storing information as recited in claims 1-5 and 12-20 of the present application. Although this argument was previously made with regard to Fortenberry, Applicant respectfully asserts that the same argument stands against the combined teachings of Fortenberry and Dowling.

As to the use of two databases, the Examiner appears to again suggest that database 214 of Fortenberry corresponds to the "first database" recited in independent claims 1, and that another component of Fortenberry (apparently "passport agent 216") corresponds to the "second database" recited in claim 1. The Examiner bases this analysis on cited portions of Fortenberry, for example, the teaching of the Fortenberry between column 5, line 62 and column 6, line 7.

As discussed in Applicant's Response to the previous Office Action, Applicant respectfully disagrees with the Examiner's reading of Fortenberry. Applicant submits that the cited portions of Fortenberry describe only one database, namely, passport database 214, which the Examiner parallels with the first database of claims 1-5 and 12-20. The Examiner then refers to another database in the cited portion of Fortenberry, but the Examiner does not identify specific element in Fortenberry that may serve as a second database. And, in fact, as argued in Applicant's previous Response, the cited portion of Fortenberry relates merely to a passport agent 216, which is a collective name given to the combination of database 214 and a passport server 212, which is clearly not an additional database. Therefore, the cited portions of Fortenberry clearly do not teach a separate database, as contended by the Examiner. Furthermore, if one were to follow the Examiner's reading of Fortenberry, the first and second databases recited in claims 1 and 12 would be the same component of Fortenberry; namely, passport database 214 would need to be read as being at the same time

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both the first database and the second databases. It is respectfully submitted that applying Fortenberry in this manner to independent claims 1 and 12 of the present application would not be reasonable.

In view of the above, it is respectfully submitted that, contrary to the Examiner's assertions, Fortenberry does not teach, suggest or imply, at least, using first and second databases, as recited by independent method claim 1 and independent system claim 12 of the present application. Furthermore, without conceding the appropriateness of combining the teachings of Fortenberry and Dowling, Applicant respectfully submits that Dowling does not cure Fortenberry's lack of teaching of two separate databases.

The examiner contends that Dowling teaches a virtual session server that has a second database. After carefully reading the cited portions of Dowling, At Col. 6, lines 26-53, Col. 14, lines 63-67, and Col. 15, lines 1-30, Applicant could not find any mention of a database within the virtual session server of Dowling. The cited portion, specifically Col 14, line 62 to Col 15, line 30, does relate to a virtual session server that may communicate with various databases, but the virtual session server itself is not a database and is not indicated to include a database. Additionally, the various databases that may be accessed by the virtual session server of Dowling all contain exclusively real information, e.g. real patient data, and therefore none of these databases qualifies as either the first or second databases recited by claims 1 and 12 of the present application, in which the second database contains either exclusively virtual (i.e., non-real) information and the first database contains both real and virtual information (the first database). Furthermore, to the extent that the Examiner still believes that the databases accessed by the virtual session server of Dowling can properly qualify as first and second databases as in the present invention, Applicant respectfully asserts that the databases described in Dowling are interlinked by virtue of the ability of, and in fact the need, of the virtual session server to access and correlate between different databases. This constellation directly contradicts both the structure and the function of the separate databases of claims 1 and 12, which are deliberately not linkable via the communication network, such that online users accessing the second database are completely barred from penetrating the first database, regardless of security settings or "hacking" ability.

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It is respectfully asserted that the combination of Fortenberry and Dowling do not teach, imply or indicate a motivation to use a first database, which is not accessible from the communication network, and a second database associated with the communication network, wherein the first database includes both real (first) data and virtual (second) data and wherein the second database includes the virtual (second) data, as required by independent claims 1 and 12 of the present application.

The passport agent described in Fortenberry, or the databases accessed by the virtual session server of Dowling are all used to store real information, e.g., profiles of users. The contention that different security levels may be applied to different bits of information does not change the basic structure that allows the user information in Fortenberry and/or Dowling to be accessed via the Internet. Furthermore, there is no teaching or suggestion in either Fortenberry or Dowling of storing information of the same user in two separate databases, the first including real and virtual information, and the second including only the virtual information, as required by claim 1 and 12 of the present application.

In view of the above, it is respectfully submitted that the combination of Fortenberry and Dowling renders neither claim 1 nor claim 12 obvious. Furthermore, it is respectfully submitted that the structural differences between claims 1 and 12 and the proposed combination of Fortenberry and Dowling are functionally significant in the context of the claimed invention. For example, the two separate databases enable a real user to interact on a communication network using exclusively a virtual entity, where there is no linkage between the virtual entity and the identity of the real user, not even by sophisticated "hacking" or spying techniques, e.g., when there is a security failure. This motivation of the present invention is completely absent from (and irrelevant to) the entire teachings of Fortenberry and Dowling.

The system described in Fortenberry may suggest protecting certain data fields by electronic security means but there is no suggestion in Fortenberry of fundamentally separating real and virtual databases as in claimed invention. The motivation of using two separate databases to provide fundamental separation between the real world and the virtual world cannot be read into the teaching of Fortenberry, inter alia, because Fortenberry is not concerned with such fundamental separation of entities. This deficiency in Fortenberry

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cannot be cured by the Dowling reference, which is completely devoid of any teaching or motivation to enhance user privacy or security by any means, let alone by means of providing separate databases with real and virtual information, as claimed by claims 1-5 and 12-20 of the present application. Therefore, the requirement of separating the first and second databases, in claims 1 and 12, is not obvious in view of the cited prior art.

In view of the above, it is respectfully submitted that independent claims 1 and 12 are patentable over the combination of Fortenberry and Dowling and/or any other combination of prior art references.

As to claims 6-11, independent claim 6 recites "one or more physical attributes", which may include a visual representation (e.g., as in dependent claim 9), an audible representation, or any other physical attributes assigned to the virtual entity that interacts on the communication network. It is respectfully submitted that there no teaching of such physical attributes in either Fortenberry or Dowling; in fact, as discussed above, the Examiner has not pointed out any such teaching in the cited references. Furthermore, in analogy to the above discussion of claims 1 and 12, the combination of Fortenberry and Dowling does not teach or suggest "...wherein said virtual entity is not linkable, on said communication network, to the identity of said real entity", as recited in claim 6. Additionally, in analogy to the above discussion, it is respectfully submitted that the structural differences between claim 6 and the Fortenberry/Dowling combination are functionally significant in the context of the claimed invention. For example, the virtual entity as defined in claim 6 enables a user to interact using exclusively the virtual entity, without compromising the identity of the real user, not even when security is electronically compromised, e.g., due to a failure or by intentional "hacking".

In view of the above, it is respectfully submitted that independent claim 6 is patentable over Fortenberry and/or any combination of this reference with other prior art.

Claims 2-5, 7-11 and 13-20 dependent, directly or indirectly, from independent claims 1, 6 and 12, respectively, and include all the limitations of those claims as well as additional distinguishing features of the invention. Therefore, it is respectfully submitted that claims 2-5, 7-11, and 13-20 are all patentable at least for the reasons discussed above.

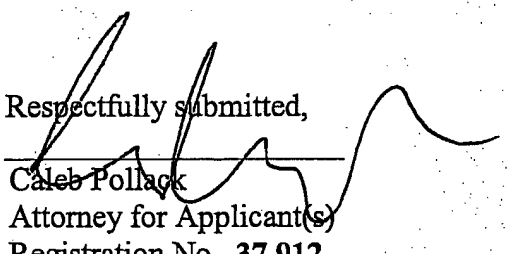
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### Conclusion

The present communication is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Prompt and favorable reconsideration and allowance of the pending claims of this application are thus respectfully requested.

Please charge any fees associated with this paper to deposit account No. 05-0649.

Respectfully submitted,



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